

QA 28457

DEPARTMENT OF TRANSPORTATION

97 NOV -4 PM 12:19

DOCKET SECTION

October 27, 1997

CCMTA • CCATM

CANADIAN COUNCIL OF MOTOR TRANSPORT ADMINISTRATORS  
CONSEIL CANADIEN DES ADMINISTRATEURS EN TRANSPORT MOTORISÉ

FILE: 3201

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(Hard copy to follow by regular mail)

Docket Clerk  
US DOT Dockets  
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400 Seventh Street, S.W.  
Washington, D.C.  
20590-0001

2759-49

**Re: FHWA Docket No. FHWA-97-~~3789~~ - RIN 2126 - AE19 (English Language Requirement)**

Dear Sir/Madam,

This will respond to the Advance Notice of Proposed Rulemaking per Federal Register Notice Volume 61, Number 83, August 26, 1997, and is presented by CCMTA on behalf of all Canadian federal, provincial and territorial jurisdictions.

Canada and the United States share the world's largest trading relationship, one that exceeds \$1 billion Canadian per day. The total value of trade carried by trucks across the Canada-US border was \$218 billion in 1994. This represents about ten million trips a year, and approximately two-thirds of all Canada-US trade.

Canadian and United States jurisdictions share a history of mutual cooperation and understanding on motor carrier matters. A recent example includes the agreement to mutually establish compatible safety rating programs. In addition, in the past reciprocity agreements have been reached on commercial vehicle inspection programs and Commercial Driver Licensing (CDL) systems which facilitate the free movement of people and goods between our two countries. We are therefore pleased to provide the following comments on the ANPRM cited above.

The CCMTA first commends FHWA for initiating a Rulemaking to modernize a regulation which has been a part of US law since 1936, and only amended in 1939. We are however concerned as to how the revisions contemplated in the proposed rule will be applied to Canadian based carriers. As FHWA is undoubtedly aware the current reciprocity agreement between Canada and the United States includes recognition provisions for the commercial drivers licenses (CDL) issued in each country. It is important to note that all knowledge and practical testing requirements for qualifications are conducted by the licensing agencies in the respective countries. No US drivers are required to be tested to provincial/territorial standards in Canada and similarly no Canadian drivers are required to be tested to US standards in the United States. To the best of our knowledge this agreement has worked well to facilitate transborder traffic and trade.

It is not clear from the Rulemaking whether FHWA intends to develop performance based requirements for testing of the English language at the state level during the licensing process, or whether these requirements will be imposed at roadside. A roadside test would no doubt engender serious problems for administration and enforcement. FHWA has already authorized the administration of the CDL tests in "foreign" or other

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languages. Developing English performance standard requirements appears contradictory in light of previous decisions to allow testing in other languages.

If the intent of the Rulemaking is to develop English language performance requirements which would be administered at roadside we are of the view that this action is inconsistent with the existing Canada/US agreement on CDL's, and the NAFTA resolution which was adopted in June 1995 by Canada, the United States and Mexico. We request the FHWA seriously consider the implications that this requirement will have on transborder trade.

FHWA may be aware of work currently being undertaken under the auspices of CVSA to develop a trilingual chart for conducting the CVSA roadside inspection. This should facilitate communication between officers and drivers from the respective NAFTA countries. Furthermore, there are a number of translation tools to assist in communication with enforcement officers.

The issue of language is outside the purview of road safety. There is no correlation between linguistic ability and safe driving. All signage is in essence international. In numerous cases, individuals renting cars do not speak English and this does not impact on their ability to drive safely.

FHWA may wish to reflect on what the official US position would be if either a Canadian jurisdiction or Mexico promulgated a similar law in which French or Spanish was substituted for "English" and the impact this would have on US drivers attempting to conduct commerce in Canada or Mexico. Furthermore, there are significant issues relative to human rights and potential discrimination which are raised by this Rulemaking.

Please note that Canada can not be party to anything that discriminates against either of our two official languages.

CCMTA believes the current provisions are inconsistent with the strides which have been made by our respective countries to further promote transborder trade. We would request that FHWA give further consideration to the impact that this Rulemaking will have on existing Canada/US agreements relative to CDL reciprocity and the NAFTA resolution on language adopted by all three countries.

Yours sincerely,



Craig Morris  
President, CCMTA

cc. CCMTA Board of Directors  
Standing Committee on Compliance and Regulatory Affairs  
Foreign Affairs and International Trade - Ken Ho (Ottawa), Terry Wood (Washington)